

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: Yoder Short Plat

Case Number: PLD2003-00031; SEP2003-00058

Parcel Numbers: Tax lots 19 (252236), and 37 (252254) located in the Southwest Quarter of Section 9 and the Northwest Quarter of Section 16, Township 5 North, Range 1 East of the Willamette Meridian

Request: The applicant is requesting to short plat an approximate 12.9-acre parcel into 2 single-family residential lots in an R-5 zone.

Applicant: Sandy J. Yoder
2107 NW Hayes Road
Woodland, WA 98674

Property Owner: Same as applicant

Applicant's Contact: Bruce A. Neill
Neill Real Estate Services LLC
12913 NE 41st Street
Vancouver, WA 98682

Location: 2107 NW Hayes Road

Area: Approximately 12.9 acres

DECISION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** _____

County Review Staff:

| | <u>Name</u> | <u>Phone Ext.</u> | <u>E-mail Address</u> |
|---|--------------------|--------------------------|--|
| Planner: | Dan Carlson | 4499 | daniel.carlson@clark.wa.gov |
| Engineer (Trans. & Stormwater): | Ken Burgstahler | 4347 | ken.burgstahler@clark.wa.gov |
| Fire Marshal: | Tom Scott | 3323 | tom.scott@clark.wa.gov |

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| Wetland Biologist: | Brent Davis | 4152 | brent.davis@clark.wa.gov |
| Habitat Biologist: | Dave Howe | 4598 | david.howe@clark.wa.gov |
| Rural Team Leader: | Travis Goddard | 4180 | travis.goddard@clark.wa.gov |
| Engineer Supervisor: (Trans. & Stormwater): | Richard Drinkwater, P.E. | 4492 | richard.drinkwater@clark.wa.gov |

Applicable Laws:

Clark County Code Chapters: Section 12.05A (Transportation Standards); Section 12.41 (Transportation Concurrency); Section 13.04 (Flood Control District); Section 13.29 (Stormwater & Erosion Control Ordinance); Section 13.36 (Wetland Protection Ordinance); Section 13.51 (Habitat Conservation Ordinance); Title 15 (Fire Code); Title 17 (Land Division); Section 18.65 (Impact Fees); Section 18.303A (Rural Districts); Section 18.327 (Floodplain Combining Districts); Section 18.411 (Interpretations and Exceptions); Section 18.600 (Procedures); Title 20 (SEPA); and Title 24 (Public Health).

Neighborhood Association/Contact:

North Fork Lewis River Neighborhood Association
David Petersen, President
C/O Paul Sorenson
4303 NW 402 Street
Woodland, WA 98674

Time Limits:

The application was determined to be fully complete on June 18, 2003. Therefore, the County Code requirement for issuing a decision within 78 days lapses on September 4, 2003. The State requirement for issuing a decision within 120 calendar days lapses on October 16, 2003.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on August 22, 2002. The pre-application was determined not contingently vested.

The fully complete application was submitted on May 29, 2003 and determined to be fully complete on June 18. Given these facts the application is vested on May 29, 2003.

There are not any disputes regarding vesting.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the North Fork Lewis River Neighborhood Association, and property owners within 500 feet of the site on July 1, 2003. Notice of the likely SEPA Determination was published in the "Columbian" Newspaper on July 1, 2003.

Public Comments:

No public comments were received for this application.

Project Overview

The subject property is located at 2107 NW Hayes Road. The site contains wetlands, floodplains and habitat conservation zones. The site currently contains an existing single family residence with accessory buildings. The subject property is zoned R-5, and surrounding properties are zoned R-5 and FR-40. The applicant is requesting to short plat an approximate 12.9-acre parcel into 2 single-family residential lots in an R-5 zone.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

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| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff 's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

CCC 18.303A.060 requires a 5-acre minimum lot size and a 140-foot width for newly created lots in the R-5 zone. The lots as shown on the proposed short plat comply with these requirements, but a note on the plat and in the narrative indicates that the dimensions of the lots may be slightly different at final plat. Therefore, at the time of final plat, the proposed lots shall comply with the minimum lot size and width requirements for the R-5 zone. (See Condition A-1)

Finding 2

In order to be considered exempt from the Habitat Conservation Ordinance and the Wetland Protection Ordinance the applicant has provided a building envelope on Lot 1. This building envelope must accurately show the building setbacks that are required by the zoning code. The required building setbacks for the R-5 zone are 50 feet from the front lot line, 20 feet from the side and rear lot lines, and 25 feet from a street side lot line.

CCC 18.104.475 defines the front lot line as the property line abutting a street, or approved private road or easements. In the case of corner lots, the front lot line is that with the narrowest frontage. Based on this definition the property line that abuts NW Hayes Road would be considered the front lot line, and the property line that abuts NW Lyons Road would be considered the street side lot line. Therefore a 50-foot setback is required from the property line along NW Hayes Road, and a 25-foot setback is required from the property line along NW Lyons Road. The applicant shall revise the building envelope on the final plat to comply with these requirements. (See Condition A-2)

Finding 3

For plats within 500 feet of lands zoned FR-40, CCC 18.411.120 requires that the following notice be contained in the plat:

“The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.”

The subject property is within 500 feet of land zoned FR-40. Therefore, this note shall be recorded on the final plat. (See Conditions A-3 and D-2)

CRITICAL AREAS:

Finding 1

A Floodplain Inquiry was performed under FLP2003-00015. This review resulted in a determination that a Floodplain Review (permit) shall be required for any

improvements, grading and/or proposed residential construction that is proposed within the 100-year floodplain boundary (Zone A15), and shall be required before any permit is to be issued. This shall be noted on the final plat. (See Condition D-10)

Finding 2

The applicant has shown building/clearing envelopes on the property that are clearly outside of the 200-foot riparian HCZ and the edge of the 100-year floodplain. Therefore, per CCC Table 13.51.060, row 2, the short plat is exempt from the Habitat Conservation Ordinance.

As per the preliminary plat approval, the applicant shall demarcate building envelopes on the face of the plat prior to final plat approval. (See Condition A-4)

Finding 3

The proposed building envelope on Lot 1 and mapped HCZ limits shown on the preliminary plat are adequate to ensure that no wetland or wetland buffer impacts will occur in accordance with CCC 13.36.260. (See Condition D-4)

TRANSPORTATION:

Finding 1

Since frontage improvements will not be required for this development, a circulation plan would not be required per CCC 12.05A.110(1).

Roads

Finding 2

CCC 12.05A.230(2)(a) & (b) require that offsite access roads shall have an unobstructed and paved roadway width of 20 feet, except in those cases where the pre-existing road is 18 feet wide, with one-foot shoulders, additional widening is not required. The preliminary application material indicates that NW Hayes Road has a 38-foot wide asphalt pavement, and NW Lyons Road has a 20-foot wide asphalt pavement. Therefore, staff finds that these requirements have been satisfied.

Finding 3

NW Hayes Road, fronting the project, is classified as a Rural Minor Collector. CCC 12.05A.220(1)(a) says that the right-of-way width shall be a minimum of one-half of that specified in Tables 12.05A.120-1 through 12.05A.120-5. Table 12.05A.120-2 of the Transportation Standards calls for a minimum right-of-way width of 60 feet for this classification of road. According to the survey recorded in Book 50 of surveys at Page 115, the existing half-width right-of-way on NW Hayes Road is 30 feet. Therefore, staff finds that no additional right-of-way dedication is required along the frontage with NW Hayes Road.

Finding 4

NW Lyons Road, fronting the project, is classified as a Rural Local Access Road. CCC 12.05A.220(1)(a) says that the right-of-way width shall be a minimum of one-half of that specified in Tables 12.05A.120-1 through 12.05A.120-5. Table

12.05A.120-4 of the Transportation Standards calls for a minimum right-of-way width of 50 feet for this classification of road. Therefore, the applicant is required to dedicate sufficient right-of-way to attain a minimum 25-foot half width right-of-way along NW Lyons Road. (See Condition A-5)

Finding 5

The applicant shall convey a minimum right-of-way radius chord of 25 feet at the intersection of NW Hayes Road and NW Lyons Road to comply with Table 12.05A.120-2 of the Transportation Standards. (See Condition A-6)

Access

Finding 6

NW Hayes Road is classified as a Rural Major Collector. The submitted material indicates that there are two driveways providing access to NW Hayes Road for Lot 2. CCC 12.05A.210(2)(a)(ii) says that residential driveways in the rural area will not be permitted to access collectors if direct lot access is available to an existing rural access road. Therefore, unless the applicant receives Road Modification approval for both driveways, one of the two driveways must be closed. (See Condition A-7)

Finding 7

NW Hayes Road is classified as a Rural Major Collector. CCC 12.05A.210(2)(a)(ii) says that residential driveways in the rural area will not be permitted to access collectors if direct lot access is available to an existing rural access road. Lot 1 has access to NW Lyons Road. Therefore, Lot 1 will not be permitted to directly access NW Hayes Road. This shall be noted on the final plat. (See Condition D-6)

Finding 8

CCC 12.05A.240(3) states that driveways in rural areas connecting with paved public roads shall be paved from the edge of the public road to the right-of-way or to 20 feet from the edge, whichever is greater. The existing driveway accessing NW Hayes Road for Lot 2 shall meet this standard prior to final plat approval. (See Condition A-8) A note shall be placed on the final plat regarding this requirement for the proposed driveway serving Lot 1. (See Condition D-7)

Sight Distance

Finding 9

NW Lyons Road does not have a posted speed limit. Per CCC 12.05A.250(1) and RCW 46.61.415, the speed limit is assumed to be 50 MPH. Therefore, the required sight distance on NW Lyons Road at the intersection of the proposed driveway serving Lot 1 is 500 feet, according to Table 12.05A.250-2. The applicant has provided a letter, signed and stamped by Greg Westrand, an engineer licensed in the State of Washington, indicating that the required sight distance is available at a point 350 feet south of the intersection with NW Hayes Road. Subsequently, the applicant has requested flexibility in locating this driveway. Because the sight distance letter was for a specific location, it will not apply to any other location. Therefore, before a Building Permit can be issued for Lot 1, the applicant must submit a letter signed and stamped by an engineer licensed in the State of

Washington, saying that the sight distance on NW Lyons Road is at least 500 feet in both directions at the proposed driveway location. This shall be noted on the final plat. (See Conditions B-2 and D-9)

Finding 10

The posted speed limit on NW Hayes Road is 50 MPH. Therefore, the required sight distance on NW Hayes Road at the driveway intersection must be 500 feet, to comply with Table 12.05A.250-2. Sight distance has not been addressed regarding the existing driveway providing access to Lot 2 from NW Hayes Road. The applicant must provide a letter, signed and stamped by an engineer licensed in the State of Washington, indicating that the required sight distance is available at this location prior to final plat approval. Sight distance shall be measured in accordance with CCC 12.05A.250(2). (See Condition A-9)

Road Modifications

There are no road modifications associated with this proposal.

STORMWATER AND EROSION CONTROL:

Finding 1 – Applicability:

The vesting date for this application is May 29, 2003. Stormwater and Erosion Control Ordinance CCC 13.29, adopted July 28, 2000 applies to each of the following development or redevelopment activities that:

- a. Results in 5,000 square feet or more of new impervious area within the rural area
- b. Results in 2,000 square feet or more of new impervious area within the urban area
- c. The addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Section 13.29.305 (F) (1) and (2).
- d. The platting of single-family residential subdivisions in an urban area
- e. If redevelopment results in 5,000 square feet or more of replaced impervious surface, then the provisions of Section 13.29.305 (C) apply.
- f. Drainage projects
- g. All land disturbing activities except those exempted in Section 13.29.210.

This application will result in 5,000 square feet or more of new impervious area within the rural area. However, CCC 13.29.210(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 13.29.305 (Water Quality Treatment), Section 13.29.310 (Quantity Control), and Subsection (D) (Conveyance Systems) of Section 13.29.310. Therefore, the proposed homes and their normal appurtenances, including the joint driveway are not subject to these sections of the Stormwater and Erosion Control Ordinance. This project is still subject to the Erosion Control portions of this ordinance. (See Condition A-10)

Finding 2 – Stormwater Proposal:

The applicant has not submitted a stormwater proposal.

Finding 3 – Erosion Control

An erosion control plan for the development shall be submitted in compliance with Section 13.29.540. The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Conditions A-11, D-5 and E-3 – E-6)

Effective January 1, 2002, all development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director, per CCC 13.29.430. Residential homeowners constructing their own development activity are exempt. (See Condition A-12)

Conclusion:

Based upon the development site characteristics, and the requirements of the County's stormwater ordinance, staff concludes that a feasible stormwater plan can be prepared. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-9)

Finding 2

Fire flow in the amount of 500 gallons per minute supplied for a 30-minute duration is required for this application. A Clark Public Utility review dated April 23, 2003 states that the closest water main is approximately 3.5 miles from the project site. Therefore, alternative construction methods shall be required to meet the minimum fire flow. This may include but not be limited to a class "A" roof and 30 foot setbacks. (See Conditions B-1 and D-11)

Finding 3

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. There is an existing driveway to an existing building on Lot 2. New private drives in excess of 300 feet will require an approved turnaround. (See Condition E-10)

HEALTH DEPARTMENT:

Finding 1

The Health Department has determined that individual wells are appropriate for this short plat. Prior to final plat approval, a well must be drilled on the proposed new lot. Both the new and the existing well must have a satisfactory Water Availability Verification Evaluation (WAVE). Inorganic chemical testing by an approved laboratory on at least one well will also be required prior to final plat approval. (See Condition A-13)

Finding 2

The location of any existing wells on site (in use, not in use, or abandoned) shall be indicated on the final plat. (See Condition A-14)

Finding 3

This land division is to be served by individual wells. The location of all wells must be indicated on the final plat along with a 100-foot radius zone of protection which should be located within the boundaries of each lot, or at least within the boundaries of this land division. Each well must be located on the lot it serves. (See Condition A-15)

Finding 4

There is an existing residence on the proposed Lot 2. The verification of the existing system will be satisfactory as soon as a current Operation and Maintenance inspection report is submitted. Operation and Maintenance inspections are required every four years and this system must be current at the time of final plat. (See Condition A-16)

Finding 5

There is a current site approval for a standard system on the proposed Lot 1. A current site approval or permit will be required for each lot at the time of final plat approval. (See Condition A-17)

Finding 6

Each on-site sewage system shall be on the same lot that it serves. (See Condition A-18)

Finding 7

The test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat. Unless otherwise stated by the Health Department, either treatment site may be used for the initial system, with the remaining site reserved for a future replacement system. (See Condition A-19)

Finding 8

The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. These sites shall be maintained so they are free from encroachment by buildings, roads, and other structures. These areas shall not be covered by any impervious material and shall not be subject to vehicular traffic or

other activity that would adversely affect the soil (WAC 246-272-140(5)). A note to this effect shall be placed upon the final plat. (See Condition A-20)

Finding 9

Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located (WAC 246-272-140 (6)). (See Condition A-21)

Finding 10

If no drainage plan is required, the Health Department requires written confirmation from the County engineering staff prior to signing the final plat. The test hole locations shall be included on any required drainage plans. (See Condition A-22)

Finding 11

Prior to final plat approval, all proposed lots shall have a current approved site evaluation or valid permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and the Health Department cannot sign the plat. (See Condition A-23)

SEPA DETERMINATION and DECISION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on July 1, 2003 is hereby final.

Based upon the proposed plan (identified as Exhibit A), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval:

- A-1** Both of the proposed lots shall comply with the minimum lot size and width requirements for the R-5 zone. (See Land Use Finding 1)
- A-2** The applicant shall revise the Lot building envelope on the final plat to include a 50-foot setback from the property line along NW Hayes Road, and a 25-foot setback from the property line along NW Lyons Road. (See Land Use Finding 2)
- A-3** Notice of proximity to land zoned FR-40 shall be recorded on the final plat. (See Land Use Finding 3 and Condition D-2)

- A-4** As per the preliminary plat approval, the applicant shall demarcate building envelopes on the face of the plat prior to final plat approval. (See Critical Area Finding 2)
- A-5** The applicant is required to dedicate sufficient right-of-way to attain a minimum 25-foot half width right-of-way along the entire frontage with NW. Lyons Road. (See Transportation Finding 4)
- A-6** The applicant shall convey a minimum right-of-way radius chord of 25 feet at the intersection of NW Hayes Road and NW Lyons Road. (See Transportation Finding 5)
- A-7** Unless the applicant receives Road Modification approval for two driveways, only one driveway serving Lot 2 from NW Hayes Road will be permitted. All other driveways must be closed. (See Transportation Finding 6)
- A-8** The existing driveway accessing NW Hayes Road for Lot 2 shall be paved from the edge of the public road to the right-of-way or to 20 feet from the edge, whichever is greater. (See Transportation Finding 8)
- A-9** The applicant shall provide a letter, signed and stamped by an engineer licensed in the State of Washington, indicating that there is at least 500 feet of sight distance in both directions on NW Hayes Road at the driveway serving Lot 2. Sight distance shall be measured in accordance with CCC 12.05A.250(2). (See Transportation Finding 10)
- A-10** This development is subject to CCC 13.29, the Stormwater and Erosion Control Ordinance. However, the proposed homes and their normal appurtenances, including the proposed joint driveway are exempt from Section 13.29.305 (Water Quality Treatment), Section 13.29.310 (Quantity Control), and Subsection (D) (Conveyance Systems) of Section 13.29.310. This project is still subject to the Erosion Control portions of this ordinance. (See Stormwater and Erosion Control Finding 1)
- A-11** An erosion control plan for the development shall be submitted in compliance with Section 13.29.540. The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Stormwater and Erosion Control Finding 3)
- A-12** This development activity shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director. (See Stormwater and Erosion Control Finding 3)
- A-13** Prior to final plat approval, a well must be drilled on the proposed new lot. Both the new and the existing well must have a satisfactory Water Availability Verification Evaluation (WAVE). Inorganic chemical testing by an approved

laboratory on at least one well will also be required prior to final plat approval. (See Health Department Finding 1)

- A-14** The location of any existing wells on site (in use, not in use, or abandoned) shall be indicated on the final plat. (See Health Department Finding 2)
- A-15** The location of all wells must be indicated on the final plat along with a 100-foot radius zone of protection which should be located within the boundaries of each lot, or at least within the boundaries of this land division. Each well must be located on the lot it serves. (See Health Department Finding 3)
- A-16** Operation and Maintenance inspections are required every four years and the system on the proposed Lot 2 must be current at the time of final plat. (See Health Department Finding 4)
- A-17** A current site approval or permit will be required for each lot at the time of final plat approval. (See Health Department Finding 5)
- A-18** Each on-site sewage system shall be on the same lot that it serves. See Health Department Finding 6)
- A-19** The test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat. Unless otherwise stated by the Health Department, either treatment site may be used for the initial system, with the remaining site reserved for a future replacement system. (See Health Department Finding 7)
- A-20** The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. These sites shall be maintained so they are free from encroachment by buildings, roads, and other structures. These areas shall not be covered by any impervious material and shall not be subject to vehicular traffic or other activity that would adversely affect the soil (WAC 246-272-140(5)). A note to this effect shall be placed upon the final plat. See Health Department Finding 8)
- A-21** Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located (WAC 246-272-140 (6)). (See Health Department Finding 9)
- A-22** If no drainage plan is required, the Health Department requires written confirmation from the County engineering staff prior to signing the final plat. The test hole locations shall be included on any required drainage plans. (See Health Department Finding 10)
- A-23** Prior to final plat approval, all proposed lots shall have a current approved site evaluation or valid permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and the Health Department cannot sign the plat. (See Health Department Finding 11)

B. Conditions that must be met prior to issuance of Building Permits

- B-1** Alternative construction methods shall be required to meet the minimum fire flow. This may include but not be limited to a class "A" roof and 30 foot setbacks. (See Fire Protection Finding 2 and Condition D-11)
- B-2** Before a Building Permit can be issued for Lot 1, the applicant must submit a letter signed and stamped by an engineer licensed in the State of Washington, saying that the sight distance on NW Lyons Road is at least 500 feet in both directions at the proposed driveway location. (See Transportation Finding 9)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-2 Land Near Agricultural, Forest or Mineral Resource Lands:

"The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides."

D-3 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also a sidewalk easement as necessary to comply with ADA slope requirements upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-4 Wetland Development Envelopes:

"No 'regulated activities' as defined in the Wetland Protection Ordinance (Clark County Code Chapter 13.36) shall occur outside of the development envelopes shown on the face of this plat without prior approval from the County Planning Director."

D-5 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-6 Driveways:

"Lot 1 will not be permitted to directly access NW Hayes Road." (See Transportation Finding 7)

D-7 Driveways:

"The proposed driveway serving Lot 1 shall be paved from the edge of the public road to the right-of-way or to 20 feet from the edge, whichever is greater". (See Transportation Finding 8)

D-8 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 12.05A."

D-9 Driveways:

"Before a Building Permit can be issued for Lot 1, the applicant must submit a letter signed and stamped by an engineer licensed in the State of Washington, saying that the sight distance on NW Lyons Road is at least 500 feet in both directions at the proposed driveway location. This shall be noted on the final plat." (See Transportation Finding 9)

D-10 Floodplain:

"A Floodplain Review (permit) shall be required for any improvements, grading and/or proposed residential construction that is proposed within the 100-year floodplain boundary (Zone A15), and shall be required before any permit is to be issued." (See Critical Area Finding 1)

D-11 Fire Protection:

"Alternative construction methods shall be required to meet the minimum fire flow. This may include but not be limited to a class "A" roof and 30 foot setbacks." (See Fire Protection Finding 2)

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| E. Standard Conditions |
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This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

E-1 Land Division:

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

E-2 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-3 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.29.

E-4 Erosion Control:

For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

E-5 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-6 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-7 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

E-8 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-9 Fire Protection:

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 1)

E-10 Fire Protection:

The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. New private drives in excess of 300 feet will require an approved turnaround. (See Fire Protection Finding 3)

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| <p>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</p> |
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An **appeal** of any aspect of this decision, including the SEPA determination and any required mitigation measures, may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed

to parties of record. This decision was mailed on September 4, 2003. Therefore any appeal must be received in this office by 4:30 PM, September 18, 2003.

APPEAL FILING DEADLINE

Date: September 18, 2003

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$1,009.00** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30PM Monday through Friday, at the address listed below.

Attachments:

- Exhibit A – Copy of Proposed Short Plat

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>